

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED

DEC 11 2012

Clerk, U.S. District Court
District Of Montana
Billings

IN Re: NORA KANE,

Petitioner,

Case No. CV-12-125-BLG-RFC-CSO

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**


Petitioner Nora Kane has filed documents which United States Magistrate Judge Carolyn S. Ostby has construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Doc. 1. Because Kane's claims were not clearly pleaded, Judge Ostby issued an order permitting her to file an amended petition by October 24, 2012, supplying a form for her use, and explaining that failure to comply with the Order could result in the dismissal of the action. Doc. 3. When almost two months passed without a response from Kane, Judge Ostby issued Findings and Recommendations recommending the Petition be dismissed without prejudice because she was challenging ongoing state court proceedings. Doc. 4. Kane has also failed to comply with Judge's Ostby's Order that she keep the Court

apprised of her current address because the Findings and Recommendations were returned to the Court as undeliverable, indicating that she was no longer living at the address on file with the Court. Doc. 5.

Accordingly, **IT IS HEREBY ORDERED** that Kane's Petition (doc. 1) is **DISMISSED** and a certificate of appealability is **DENIED**.

The Clerk of Court should be directed to enter by separate document a judgment of dismissal.

DATED the 11 day of December, 2012.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE